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In re PATENT APPLICATION of

Inventor(s) Stice et al.

Appln. No. 09/394,902

series code ↑ serial no.

Filed: September 13, 1999

Group Art Unit: 1632

Examiner: T. Ton

Atty. Dkt. PM 275963

M#

Date: September 11, 2002

TITLE: Cloning Pigs Using Donor  
Cells or Nuclei From  
Differentiated Cells (Somatic  
or Germ Cells) and Production  
of Pluripotent Porcine Cells  
by Nuclear Transfer

Name or type of signed paper being transmitted:

Further Reply to the Office Communication of 8/22/02

MESSAGE:

Please see the attached Supplemental Reply to the Office Action of 12/6/01.

(ATTN: Atty/Sec.: Transmit only one paper herewith. For papers not acceptable by fax, see back side or LAN  
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Name Robin L. Teskin

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Date September 11, 2002

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PAT-286 7/99

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Group Art Unit	1632	
Examiner:	T. Ton	
Atty. Dkt.	P 0275963	
	<u>Ms</u>	<u>Client Ref</u>

Appn Title: Cloning Pigs Using Donor Cells or Nuclei From Differentiated Cells (Somatic or Germ Cells) and Production of Pluripotent Porcine Cells By Nuclear Transfer

Date: September 11, 2002

**REPLY/AMENDMENT/LETTER**

### FEE REQUIREMENTS FOR CLAIMS AS AMENDED

**CHARGE STATEMENT:** The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official Document under Rule 20, or credit any overpayment, to our Accounting/Order Nos. shown above, for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal sheet is filed.

Over: Is appeal deemed paid? ☐ Yes ☐ No

**Query.** Is appeal deadline now? If so, file Notice of Appeals separately.

Reg. No. 35.030

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**NOTE: File this cover sheet in duplicate with PTO receipt (PAT-103A) and attachments**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re PATENT APPLICATION OF

Steven L. STICE et al.

Group Art Unit: 1632

Application No. 09/394,902

Examiner: Thain N. Ton

Filed: September 13, 1999

Title: CLONING PIGS USING DONOR CELLS OR NUCLEI FROM DIFFERENTIATED CELLS (SOMATIC OR GERM CELLS) AND PRODUCTION OF PLURIPOTENT PORCINE CELLS BY NUCLEAR TRANSFER

\* \* \* \* \*

**SUPPLEMENTAL REPLY**

Hon. Commissioner of Patents  
Washington, D.C. 20231

Sir:

This reply is supplemental to the Amendment and Reply filed June 6, 2002, in response to the Office Action dated December 6, 2001, and is responsive to the Office communication mailed August 22, 2002, requesting additional response to the obviousness-type double patenting rejection stated in the Office Action of December 6, 2001.

Further in response to the obviousness-type double patenting rejection stated in the Office Action of December 6, 2001, the Applicants submit the following:

**Regarding Rejection of the Claims for Provisional Obviousness-type Double Patenting:**

Claims of the application are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims of U.S. Patent No.s 6,235,969 and 5,945,577. Applicants respectfully request that this rejection be held in abeyance until allowance is negotiated. At that time, if the claims in the instant application

are still deemed to be obvious in view of the claims of the issued patents, Applicants will submit a terminal disclaimer to obviate this rejection.

The Applicants' affirm that a terminal disclaimer will be submitted when the claims in the instant application are found to be allowable, but for the outstanding obviousness-type double patenting rejection over claims of U.S. Patent Nos. 6,235,969 and 5,945,577. If additional response to the obviousness-type double patenting rejection is required, or if the Examiner has any further questions or issues to raise regarding the subject application, it is respectfully requested that she contact the undersigned so that such issues may be addressed expeditiously.

Respectfully submitted,

PILLSBURY WINTHROP LLP

Date: September 11, 2002

By: 

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